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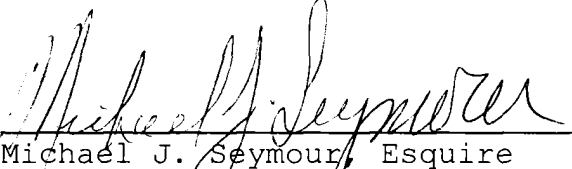
New York.

4. That in the event necessary, the said Dana Gucciardi will be available by telephone on the date and at the time of the Status/Settlement Conference for discussion of any settlement proposals.

5. That to date the Defendants have not received the damage information Ordered by Judge Ambrose on July 18, 2005 and, therefore, are not able to evaluate the Plaintiff's claim for damages.

WHEREFORE, Defendants request that the physical presence of Dana Gucciardi at the Status/Settlement Conference scheduled for November 28, 2005 be excused.

FECZKO AND SEYMOUR



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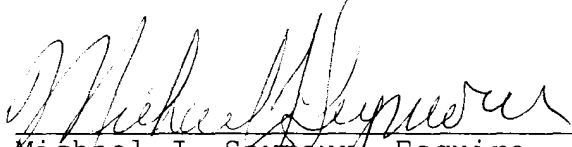
CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I served a true and correct copy of the within Motion to Excuse Attendance at Status/Settlement Conference upon the following by first class, postage prepaid mail on the 14th day of November, 2005 at the following addresses:

Timothy C. Leventry, Esquire
LEVENTRY, HASCHAK, RODKEY & KLEMENTIK, LLC
1397 Eisenhower Boulevard
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Johnstown, PA 15904
(Attorney for Plaintiff)

Bernard C. Caputo, Esquire
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445 Fort Pitt Boulevard
Pittsburgh, PA 15219
(Attorney for Defendant)

The Honorable Arthur J. Schwab
Courtroom 7C
7th Floor, United States Courthouse
700 Grant Street, Pittsburgh, PA 15219


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